

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Friday, May 18, 2007 – 2:00 p.m.
Time Certain
Prescott Resort and Conference Center
1500 Highway 69
Prescott, Arizona 86301

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Pat Barber, Law Enforcement Branch Chief

Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. All of these exhibits may be considered by the Commission in order to make a final determination. Each of the following individuals were legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
North, Justin B.	Count A: Take wildlife during wrong season (mule deer doe during a buck season). Count B: Possess/transport unlawfully taken wildlife (mule deer doe).
Whitlock, John L.	Count A: Possess/transport unlawfully taken wildlife (mule deer doe).
Clark, C. Paul	Count B: Possess unlawfully taken wildlife (mule deer buck).
Spires, Phillip B.	Count A: Take wildlife without a tag (White-tailed deer buck). Count B: Possess/transport unlawfully taken wildlife (White-tailed deer buck).
Spires, Chester A.	Count A: Attach tag to wildlife killed by another (White-tailed deer buck). Count B: Possess/transport unlawfully taken big game (White-tailed deer buck).
Wilkins, Russell G.	Count A: Take turkey (decoy) without a permit.
Blanco, Chris C.	Count A: Take turkey (decoy) without a permit.

Yazzie, Marlon G.

Failure to comply with terms of a citation for the wildlife violation of: Fish without a license by a person 14 years and older as per the terms of the Wildlife Violator Compact.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

Roll call was taken and the following were present: Paul C. Clark, Phillip B. Spires, and Chester A. Spires.

Mr. Barber stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment.

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Connie Paul Clark

Clark was found guilty by the Yarnell Justice Court for: Count B: Possess unlawfully taken wildlife (mule deer); and sentenced Count B: One year unsupervised probation and \$500.00 fine, to be suspended if no violation of probation.

Clark was present and addressed the Commission stating that the he was not found guilty of unlawful take of the animal and so it did not make sense how he could be found guilty of possession of an unlawfully taken animal.

Commissioner McLean stated that the Commission does not try these cases; that the Court finds a person guilty or not guilty and then the Commission determines whether or not to assess damages, and if so how much. A person does have the option to appeal his case in the Court.

Commissioner McLean further confirmed with Mr. Barber that this mule deer was a trophy buck.

Chairman Golightly confirmed with Officer Peirce that a bullet was found in the animal and that the bullet killed the animal; two arrow wounds were not fatal wounds and were made post-mortem.

Motion: McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CONNIE PAUL CLARK TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE

THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CONNIE PAUL CLARK TO COLLECT THE AMOUNT OF \$8,000.00, THE MINIMUM STATUTORY AMOUNT TO BE ASSESSED FOR THE LOSS OF ONE (1) TROPHY MULE DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The following two cases were related.

Phillip Brian Spires

Spires was found guilty by the Payson Regional Justice Court for: Count A: Take wildlife without a tag (White-tailed deer buck). Count B: Possess/transport unlawfully taken wildlife (White-tailed deer buck); and sentenced Count A: Fined \$93.00, and Count B: Fined \$190.00.

Spires was present and addressed the Commission apologizing for his actions.

Phillip Spires father, Chester Spires was present, but declined to speak to the Commission.

Motion: Golightly moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PHILLIP BRIAN SPIRES TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST PHILLIP BRIAN SPIRES TO COLLECT THE AMOUNT OF \$4000.00 FOR **HIS PART** IN THE LOSS OF ONE (1) TROPHY WHITE-TAILED DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Chester Allen Spires

Spires was found guilty by the Payson Regional Justice Court for: Count A: Attach tag to wildlife killed by another (White-tailed deer buck) and Count B: Possess/transport unlawfully taken big game (White-tailed deer buck); and sentenced Count A: Fined \$290.00, and Count B: Fined \$190.00.

Motion: McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHESTER ALLEN SPIRES TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CHESTER ALLEN SPIRES TO COLLECT THE AMOUNT OF \$4000.00 FOR **HIS PART** IN THE LOSS OF ONE (1) TROPHY WHITE-TAILED DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The following two cases were related.

Justin Bradley North

North was found guilty by the Salome Justice Court for: Count A: Take wildlife during wrong season (mule deer doe during a buck season) and Count B: Possess/transport unlawfully taken wildlife (mule deer doe); and sentenced Count A: Fined \$1378.00, and Count B: Fined \$750.00.

North was not present.

Motion: Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUSTIN B. NORTH TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JUSTIN B. NORTH TO COLLECT THE AMOUNT OF \$1,500 FOR THE LOSS OF ONE (1) MULE DEER DOE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT,

CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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John Lloyd Whitlock

Whitlock was found guilty by the Salome Justice Court for: Count A: Possess/transport unlawfully taken wildlife (mule deer doe); and sentenced Count A: Fined \$1,398.00.

Whitlock was not present.

Motion: Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN L. WHITLOCK TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The following two cases were related.

Russell Gale Wilkins

Wilkins was found guilty by the Flagstaff Justice Court for: Count A: Take turkey (decoy) without a permit; and sentenced Count A: Fined \$325.00.

Wilkins was not present.

Motion: Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RUSSELL GALE WILKINS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE

DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Chris C. Blanco

Blanco was found guilty by the Flagstaff Justice Court for: Count A: Take turkey (decoy) without a permit; and sentenced Count A: Fined \$100.00.

Blanco was not present.

Motion: Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRIS C. BLANCO TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Marlon G. Yazzie

This hearing was conducted by the Arizona Game and Fish Commission pursuant to its jurisdiction over the enforcement of laws for the protection of wildlife and the authority conferred upon it by virtue of the Wildlife Violator Compact and Marlon Yazzie's failure to comply with the terms of a citation issued on May 6, 2006, in the State of Wyoming for the wildlife violation of: Fish without a license by a person 14 years or older.

Yazzie was not present.

Motion: McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARLON G. YAZZIE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL THE LICENSING AUTHORITY FROM THE STATE OF WYOMING FURNISHES THE DEPARTMENT WITH SATISFACTORY EVIDENCE OF THE SUBJECT'S COMPLIANCE WITH THE ORIGINAL CITATION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING

OF FACT, CONCLUSIONS OF LAW AND ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 2:46 p.m.

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